

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

The applicant and the undersigned wish to thank Examiner Cottingham for the courtesies extended during the Interview of June 22, 2005. The arguments presented during the interview are repeated hereinbelow for the record. The amendment suggested by the Examiner, to make explicit that the clearance inlet hole "is defined in" the resinous portion, has been made to claim 3. Furthermore, as suggested by the Examiner, claims 3, 5 and 6 have been amended to provide that an adhesive permeates between the male-threaded portion and the resinous portion, similar to claims 9, 10 and 11, which the Examiner has allowed.

Claims 2-16 and 18-22 are now pending. Claims 2 and 9-14 have been allowed by the Examiner.

Claims 3-8, 15 and 16 were rejected under 35 USC 102(b) as being anticipated by Nickerson. Applicant respectfully traverses this rejection.

Nickerson discloses a mechanical fastening system composed of first, second and third sections. The first and second sections are formed from metal and sandwich the third section, formed from resin, therebetween. Bores are defined through all three sections and are aligned to receive a fastener. One of the two metal sections is countersunk to receive the head of the fastener.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of

any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Claim 3 as previously presented specifically required that the resinous portion have a clearance inlet hole around the inlet of and concentric with the through hole. To make this feature of the invention even more explicit, claim 3 has been revised above to recite that the clearance inlet hole is defined in the resinous portion. Even if the countersunk portion of section 20 is considered a clearance inlet hole, it is understood from Nickerson's disclosure that this "clearance inlet hole" is not defined in the resinous portion of his assembly, because his assembly is defined as and necessarily includes the sandwiched metal/plate/resin metal plate assembly and the clearance is defined only at the outer surface of one of the metal plates. Thus, claim 3 is not anticipated. Furthermore, it would not be obvious to modify Nickerson in this regard because to do so would be completely contrary to the assembly that is Nickerson's invention. New claim 18 corresponds to claim 3 in this regard and further specifies that the resinous portion is an integrally molded single member. Such a structure differs substantially and completely from the reference cited by the Examiner.

Claim 3 has also been amended hereinabove to provide that an adhesive permeates between the male-threaded portion and the resinous portion, thereby further distinguishing the invention from Nickerson.

In view of the foregoing, it is respectfully submitted that claim 3, and new claim 18 should now be allowed.

Claim 5 specifies that the resinous portion has a through hole and that the length of the male-threaded portion of the screw is shorter than the length of the resinous

portion through hole. The attachment hole of the resin portion in Nickerson is shorter than the threaded shaft, since the threaded shaft also extends through the metal plates. Thus, the relative length limitation of claim 5 is not anticipated by nor obvious from Nickerson. New claim 19 corresponds to claim 5 in this regard and further specifies that the entire resinous portion is an integrally molded single member. Such a structure differs substantially and completely from the reference cited by the Examiner.

Furthermore, claim 5 now specifies the presence of adhesive between the male threaded portion and the through hole so that claim 5 has been further distinguished from Nickerson.

Claim 6 requires that the resinous portion have a through hole and also have a clearance portion. In this case, however, claim 6 requires that the clearance portion be around an outlet of the resinous portion through hole. New claim 20 corresponds to claim 6 in this regard and further specifies that the entire resinous portion referenced in the claim is an integrally molded single member. Such a structure differs substantially and completely from the reference cited by the Examiner.

The Nickerson patent does not disclose any clearance portion around the outlet of the resinous portion through hole. Indeed, the outlet of the through hole through the resin portion includes no clearance portion and the through hole through the adjacent metal plate outlet does not include a clearance portion. Therefore, claims 6 and 19 are not anticipated either. Claim 6 has also been imitated to include the adhesive and should therefore be allowed at least for that reason.

In regard to claim 7, as noted above, the resinous portion of Nickerson does not have a clearance portion and likewise does not have a clearance portion having a diameter larger than the outer diameter of the male-threaded portion.

Claim 8 specifies that the clearance portion is formed by a chamfered outlet portion. A chamfer refers to two surfaces meeting at an angle different from 90

SUZUKI
Appl. No. 10/674,501
July 7, 2005

degrees. Thus, by definition a chamfer is not 90 degrees. Thus, claim 8 is not anticipated by Nickerson.

In regard to claim 15, is clear that, within the limits of the draftsman's capability, the screw threads have been shown as extending to the tip of the shaft in Nickerson. Thus, claim 15 is not anticipated either.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michelle N. Lester
Reg. No. 32,331

MNL:slj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100